

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

ORDINANCE #4/14

**AN ORDINANCE AUTHORIZING FINANCIAL AGREEMENT
WITH K. HOVNANIAN AT PORT IMPERIAL URBAN RENEWAL VI, LLC**

Whereas, on the basis of a preliminary investigation and recommendation of the Planning Board of the Town of West New York (the “Planning Board”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et. seq., the Board of Commissioners of the Town of West New York (the “Board of Commissioners”) determined that certain property known as waterfront property and then described as Block 168, Lots 3, 3.01, 4, 4.01, 5, 6, 6.01, 7, 7.01 on the Tax Maps, and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the “Redevelopment Area”); and

Whereas, at the discretion of the Board of Commissioners, the Planning Board prepared and recommended adoption of a proposed redevelopment plan prepared by Community Housing and Planning Associates, Inc.; and

Whereas, on April 17, 1996, the Board of Commissioners passed Ordinance 16/96 adopting the proposed redevelopment plan as the redevelopment plan of the Town of West New York (the “Town”) for the Redevelopment Area (the “Redevelopment Plan”); and

Whereas the Redevelopment Plan calls for the Redevelopment Area to be developed as a mixed residential community consisting of approximately 4,060 apartment and condominium units, 100,000 square feet of neighborhood retail space, and associated uses, including roadways, parking facilities, walkways, parks, and other recreational amenities; and

Whereas, the Board of Commissioners designated Roseland/Port Imperial, L.L.C. (“RPI”) as the redeveloper of the Redevelopment Area and entered into a Redeveloper Agreement with RPI (the “Redeveloper Agreement”), setting forth the terms and conditions by which RPI will construct the improvements in the Redevelopment Area; and

Whereas, the rights and obligations of RPI under the Redeveloper Agreement have been assigned to and assumed by its affiliate Roseland/Port Imperial Partners, L.P. (“Roseland”) in accordance with the Redeveloper Agreement and Roseland has acquired title to the lands within the Redevelopment Area; and

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Whereas, upon obtaining the Town's consent, as required by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9 and Article VI of the Redeveloper Agreement, Roseland has conveyed the portion of the Redevelopment Area now described on the tax maps as Lot 7.08 in Block 168.01 (the "Project Area") to K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C.; and

Whereas, K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. proposes to construct approximately 278 for-sale condominium units (the "Project") in the Project Area; and

Whereas, K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. has applied to the Board of Commissioners for tax exemption pursuant to New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Exemption Law") with respect to the Project; and

Whereas, the Board of Commissioners finds that the requested tax exemptions will benefit the Town and its inhabitants by furthering the development of the waterfront, which had remained unused and vacant for many years, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

Whereas, the Board of Commissioners further finds that the requested tax exemptions are important to the Town and that without the incentive of the tax exemptions, it is unlikely that the Project will be undertaken; and

Whereas, as part of its application for a tax exemption, K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. has submitted a form of Financial Agreement (the "Parcel E Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

Whereas, K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

Whereas, the Board of Commissioners deems it to be in the best interest of the Town to pass an Ordinance authorizing the Town to enter into the proposed Parcel E Financial Agreement with K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

Now, Therefore, Be it Ordained That the Board of Commissioners of the Town of West New York does hereby adopt the tax exemptions for K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. as follows:

ORDINANCE NO. [INSERT] Cont.

1. The development of the Project is hereby approved for the grant of a tax exemption under the Exemption Law by virtue of, pursuant to, and in conformity with the provisions of the Exemption Law.
2. The Mayor is hereby authorized to execute the Parcel E Financial Agreement with K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C. in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.
3. During the term of the tax exemption with respect to K. Hovnanian at Port Imperial Urban Renewal VI, L.L.C., there shall be paid to the Town, in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Parcel E Financial Agreement.
4. Counsel is authorized to prepare, and the Mayor is hereby authorized to execute, any additional documents that may be necessary to implement and carry out the intent of the Parcel E Financial Agreement.

Introduced: 4/16/14

Adopted: 5/28/14

ORDINANCE NO. [INSERT] Cont.

I, Carmela Riccie, Town Clerk of the Town of West New York, County of Hudson, do hereby certify the foregoing to be a true and correct copy of the above Ordinance, adopted by the Mayor and Board of Commissioners of the Town of West New York at a meeting held on May 28, 2014.

Carmela Riccie, RMC, Town Clerk